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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/743,422	HILY ET AL.	
	Examiner	Art Unit	
	Jacob Petranek	2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-14,16-24 and 26-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-14,16-24 and 26-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-6, 8-14, 16-24, and 26-30 are pending.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/21/2008 has been entered.

3. The office acknowledges the following papers:

Claims and arguments filed on 4/21/2008.

New Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-6, 8-14, 16-24, and 26-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Abramson et al. (U.S. 5,751,983), in view of Tran et al. (U.S. 6,065,103).

6. As per claim 1:

Abramson disclosed a processor comprising:

A decoder to decode a load instruction naming a destination register (Abramson:

Figure 2 element 201, column 5 lines 12-26)(The load instruction is inherently decoded before it's issued to the execution unit.);

A memory ordering buffer to maintain an address for a store instruction (Abramson: Figures 4 and 6 elements 503 and 802, column 7 lines 62-67 continued to column 8 lines 1-8 and column 8 lines 44-61)(The memory ordering buffer is shown in more detail in figure 6. The store address buffer stores addresses for store instructions.), wherein the address for the source store instruction is to be de-allocated from the memory ordering buffer after completion of the source store instruction (Abramson: Figure 6 element 802, column 7 lines 22-26 and column 8 lines 58-61)(Store addresses are retired/committed and dispatched from memory. Store buffers act like retirement queues, both of which are inherently first-in-first-out buffers to ensure that program order is maintained. When entries are retired, it's obvious to one of ordinary skill in the art that they are de-allocated and the buffer pointer will point to the next entry to be retired/committed.); and

Abramson failed to teach a trailing store buffer to maintain an address for said store instruction if said store instruction has been de-allocated from said memory ordering buffer, said trailing store buffer to maintain the address for said source store instruction to disambiguate said load instruction.

However, Tran disclosed a trailing store buffer to maintain an address for said store instruction if said store instruction has been de-allocated from said memory ordering buffer (Tran: Figures 2 and 3 element 44, column 11 lines 1-8)(The speculative store buffer stores non-speculative stores when a store instruction retires. The store

instruction is put into the speculative store buffer at the same time that the data is stored in the data cache. Figure 3 shows the buffer storing the address and the data of the store instruction. It's obvious to one of ordinary skill in the art at the time of the invention that upon the store data being transferred to the data cache, the store instruction has retired, which when in combination with Abramson, results in deallocation of a store entry in the memory ordering buffer.), said trailing store buffer to maintain the address for said source store instruction to disambiguate said load instruction (Tran: Figures 2, 3, and 4 elements 44, 64, 86, and 88, column 14 lines 30-65)(Element 64 is the address of the store instruction contained within the speculative store buffer. Element 86 shows that the data within the speculative store buffer is checked against load instructions and element 88 shows that data is forwarded to load instructions.)

The advantage of the speculative store buffer is that is stores the most recent data values for memory addresses, thus only a single hit for a memory address is allowed, which reduces complexity and allows for increased performance (Tran: Column 3 lines 16-35). One of ordinary skill in the art would have been motivated to add the speculative store buffer for the advantage of increased performance. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement a speculative store buffer for the advantage of increased performance for memory operations.

7. As per claim 2:

Abramson and Tran disclosed the processor of claim 1 wherein said memory

ordering buffer further comprises:

A store address buffer to maintain the address for said source store instruction (Abramson: Figure 6 element 802, column 8 lines 44-61).

8. As per claim 3:

Abramson and Tran disclosed the processor of claim 1 wherein said memory ordering buffer further comprises:

A store data buffer to maintain data associated with said source store instruction (Abramson: Figure 3 element 304, column 7 lines 18-26)(The Memory Interface Unit that contains the store data buffer is coupled to the Memory Execution Unit that contains the memory ordering buffer. It would have been obvious to one of ordinary skill in the art at the time of the invention that the store data buffer could be placed within the memory-ordering buffer. In addition, according to "In re Japikse" (181 F.2d 1019, 86 USPQ 70 (CCPA 1950)), shifting the location of parts doesn't give patentability over prior art.).

9. As per claim 4:

Abramson and Tran disclosed the processor of claim 1 further comprising:

A store data buffer coupled to said memory ordering buffer (Abramson: Figure 3 element 304, column 7 lines 18-26)(The Memory Interface Unit that contains the store data buffer is coupled to the Memory Execution Unit that contains the memory ordering buffer.).

10. As per claim 5:

Abramson and Tran disclosed the processor of claim 1 wherein said trailing store buffer is coupled to said memory ordering buffer (Abramson: Figure 5 element 602, column 8 lines 21-32)(The data array is a buffer that temporarily stores data and their corresponding addresses that are originally from a store instruction. Entries received from the MOB are de-allocated at the MOB and are written to the data array. Thus, it reads on a trailing store buffer as claimed. The data array is coupled to the memory ordering buffer.).

11. As per claim 6:

Abramson and Tran disclosed the processor of claim 1 wherein said memory ordering buffer comprises said trailing store buffer (Abramson: Figure 6 element 802, column 8 lines 21-32)(The data array is a buffer that temporarily stores data and their corresponding addresses that are originally from a store instruction. Entries received from the MOB are de-allocated at the MOB and are written to the data array. Thus, it reads on a trailing store buffer as claimed. The data array is coupled to the memory ordering buffer. It would have been obvious to one of ordinary skill in the art at the time of the invention that the memory ordering buffer could be combined with the data array into one unit. In addition, according to "In re Japikse" (181 F.2d 1019, 86 USPQ 70 (CCPA 1950)), shifting the location of parts doesn't give patentability over prior art.).

12. As per claim 8:

Abramson disclosed a method comprising:

Computing a store address for a store instruction (Abramson: Figure 3 element 300, column 7 lines 10-17)(Computing a store address is inherent for a store

instruction.);

Writing the store address in a first storage (Abramson: Figure 6 element 802, column 8 lines 44-61)(The store address buffer holds the addresses from store instructions.);

Writing data associated with the store address to a memory (Abramson: Figure 3 element 304, column 7 lines 18-26)(The store data buffer contains the data corresponding to store instructions.);

De-allocating the store address from the first storage after completion of the store instruction (Abramson: Figure 6 element 802, column 7 lines 22-26 and column 8 lines 58-61)(Store addresses are retired/committed and dispatched from memory. Store buffers act like retirement queues, both of which are inherently first-in-first-out buffers to ensure that program order is maintained. When entries are retired, it's obvious to one of ordinary skill in the art that they are de-allocated and the buffer pointer will point to the next entry to be retired/committed.);

Predicting a load instruction to be memory renamed (Abramson: Figure 11, column 12 lines 31-47 and column 14 lines 2-18)(Memory renaming can occur when a load instruction is believed to relate to a previous store instruction. A speculative load is done when store instructions do not have addresses that are valid and is believed to relate to a current load instruction.);

Computing a load store source index (Abramson: Column 12 lines 21-31)(A load store source index can be a store buffer identification (SBID). SBID's are assigned to load instructions.);

Computing a load address (Abramson: Column 9 lines 47-64);

Disambiguating the memory renamed load instruction by determining whether the store address is stored in the first storage (Abramson: Figure 11, column 12 lines 31-47 and column 14 lines 19-31)(A speculative load is done when store instructions do not have addresses that are valid and is believed to relate a current load instruction. The speculated load instruction is checked prior to retirement to make sure it obtained the correct data from the store buffer. This is done by determining if a related store instruction with a matching address resides in the store buffer.); and

Retiring the memory renamed load instruction, if the store address is still allocated in at least one of said first storage and said second storage (Abramson: Figure 11, column 14 lines 19-31)(The load instruction is retired if an address matches in the store address buffer.).

Abramson failed to teach allocating the store address in a second storage after de-allocating the store address from the first storage and disambiguating the memory renamed load instruction by determining whether the store address is stored in the second storage.

However, Tran disclosed allocating the store address in a second storage after de-allocating the store address from the first storage (Tran: Figures 2 and 3 element 44, column 11 lines 1-8)(Abramson: Figure 6 element 802, column 7 lines 22-26 and column 8 lines 58-61)(Store addresses are retired/committed and dispatched from memory. The data cache is the memory unit that store data is dispatched to in Tran. The store instruction is put into the speculative store buffer at the same time that the

data is stored in the data cache. Store buffers act like retirement queues, both of which are inherently first-in-first-out buffers to ensure that program order is maintained. When entries are retired, it's obvious to one of ordinary skill in the art that they are de-allocated and the buffer pointer will point to the next entry to be retired/committed.);

disambiguating the memory renamed load instruction by determining whether the store address is stored in the second storage (Tran: Figures 4 element 88, column 14 lines 30-65)(The speculative store buffer is the second storage when combined with Abramson. The speculative buffer can be checked by load instructions to see if a hit occurs and previous store data can be forwarded to the load instruction.).

The advantage of the speculative store buffer is that is stores the most recent data values for memory addresses, thus only a single hit for a memory address is allowed, which reduces complexity and allows for increased performance (Tran: Column 3 lines 16-35). One of ordinary skill in the art would have been motivated to add the speculative store buffer for the advantage of increased performance. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement a speculative store buffer for the advantage of increased performance for memory operations.

13. As per claim 9:

Abramson and Tran disclosed the method of claim 8 wherein computing a store address comprises:

Computing an address for a store instruction (Abramson: Figure 3 element 300, column 7 lines 10-17)(Computing a store address is inherent for a store instruction.).

14. As per claim 10:

Abramson and Tran disclosed the method of claim 8 wherein writing the store address in a first storage comprises:

Writing the store address in a store address buffer (Abramson: Figure 6 element 802, column 8 lines 44-61)(The store address buffer holds the addresses from store instructions. The memory ordering buffer contains the store address buffer.).

15. As per claim 11:

Abramson and Tran disclosed the method of claim 10 wherein writing data associated with the store address to a memory comprises:

Writing the data from said store data buffer to said memory using the store address in said store address buffer (Abramson: Figure 5 element 602, column 8 lines 21-32)(The data array is a buffer that temporarily stores data and their corresponding addresses that are originally from a store instruction. Entries received from the MOB are de-allocated at the MOB and are written to the data array.).

16. As per claim 12:

Abramson and Tran disclosed the method of claim 11 wherein said store data buffer is in the first storage (Abramson: Figure 3 element 304, column 7 lines 18-26)(The Memory Interface Unit that contains the store data buffer is coupled to the Memory Execution Unit that contains the memory ordering buffer. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the store data buffer in the memory ordering buffer that contains the store address buffer.

In addition, according to "In re Japikse" (181 F.2d 1019, 86 USPQ 70 (CCPA 1950)), shifting the location of parts doesn't give patentability over prior art.).

17. As per claim 13:

Abramson and Tran disclosed the method of claim 11, wherein said store data buffer is external to the first storage (Abramson: Figure 3 element 304, column 7 lines 18-26)(The Memory Interface Unit that contains the store data buffer is coupled to the Memory Execution Unit that contains the memory ordering buffer.).

18. As per claim 14:

Abramson and Tran disclosed the method of claim 8 wherein de-allocating the store address from the first storage comprises:

De-allocating the store address from a store address buffer in the first storage (Abramson: Figure 6 element 802, column 8 lines 44-61)(Entries within the store address buffer are inherently de-allocated when the store instruction retires.).

19. As per claim 16:

Abramson and Tran disclosed the method of claim 15 further comprises:

Determining whether said source store address for the memory renamed load instruction is in the second storage (Abramson: Figure 11, column 14 lines 19-44)(The speculated load instruction is checked to make sure it obtained the correct data. If the speculated load gets the incorrect data, then it's determined that the data has already been transferred to the data array, being the second storage.).

20. As per claim 17:

Abramson and Tran disclosed the method of claim 8 further comprising:

Clearing a backend of the processor and restarting the load instruction without memory renaming, if said source store address has been de-allocated from said first storage and said second storage (Abramson: Figure 11, column 14 lines 33-44)(Tran: Figures 2 and 3 element 44, column 11 lines 1-8)(If the data can't be correctly obtained from the first or second data storage, then the instruction would be restarted. Thus, the processor clearing would have occurred with the data sought after being de-allocated from the first and second data storage.).

21. As per claim 18:

Claim 18 essentially recites the same limitations of claim 8. Therefore, claim 18 is rejected for the same reasons as claim 8.

22. As per claim 19:

Claim 19 essentially recites the same limitations of claim 9. Therefore, claim 19 is rejected for the same reasons as claim 9.

23. As per claim 20:

Claim 20 essentially recites the same limitations of claim 10. Therefore, claim 20 is rejected for the same reasons as claim 10.

24. As per claim 21:

Claim 21 essentially recites the same limitations of claim 11. Therefore, claim 21 is rejected for the same reasons as claim 11.

25. As per claim 22:

Claim 22 essentially recites the same limitations of claim 12. Therefore, claim 22 is rejected for the same reasons as claim 12.

26. As per claim 23:

Claim 23 essentially recites the same limitations of claim 13. Therefore, claim 23 is rejected for the same reasons as claim 13.

27. As per claim 24:

Claim 24 essentially recites the same limitations of claim 14. Therefore, claim 24 is rejected for the same reasons as claim 14.

28. As per claim 26:

Claim 26 essentially recites the same limitations of claim 16. Therefore, claim 26 is rejected for the same reasons as claim 16.

29. As per claim 27:

Claim 27 essentially recites the same limitations of claim 17. Therefore, claim 27 is rejected for the same reasons as claim 17.

30. As per claim 28:

Claim 28 essentially recites the same limitations of claim 1. Claim 28 additionally recites the following limitations:

A memory coupled to said processor (Abramson: Figure 1 element 214, column 4 lines 35-39).

31. As per claim 29:

Claim 29 essentially recites the same limitations of claim 2. Therefore, claim 29 is rejected for the same reasons as claim 2.

32. As per claim 30:

Claim 30 essentially recites the same limitations of claim 3. Therefore, claim 30 is rejected for the same reasons as claim 3.

Response to Arguments

33. The arguments presented by Applicant in the response, received on 4/21/2008 are not considered persuasive:

34. Applicant argues "It is noted that the language of Col. 11, lines 1-11 of Tran is referring to the speculative store buffer 44 that holds results for speculative store operations. Whether the store instruction has been retired and what actions take place in the load/store buffer when the store instruction is retired is not discussed in this text."

This argument is not found to be persuasive for the following reason. Tran at column 11 lines 1-3 states "For non-speculative store memory operations, the store memory operation is conveyed to both speculative store buffer and data cache." Thus, it's non-speculative store data that is transferred to element 44. Thus, Tran clearly states that data to be transferred to element 44 is done after it's output from the store buffer.

Abramson disclosed that store data is retired/committed from a store buffer when they are dispatched to memory. One of ordinary skill in the art would find it obvious that it would be the same case with the store buffer of Tran. In addition, store data being dispatched to memory to be retired is inherently non-speculative because instructions aren't allowed to be retired/committed speculatively.

35. Applicant argues "Tran does not teach or suggest the disambiguation of a subsequent load operation using a first storage and this speculative buffer as recited in the claims."

This argument is not found to be persuasive for the following reason. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Abramson disclosed the first storage and Tran disclosed the second storage in the combination.

36. The examiner would like to note a possible amendment to overcome the current rejection of Abramson in view of Tran. Paragraph 25 of the PGPUB details that deallocated store information may only be written into the trailing store buffer when the store was a previous source of memory renaming. The examiner has not found any indication in Tran in Figure 5 or the specification that store instruction data is put into element 44 based on past memory renaming success.

Conclusion

The following is text cited from 37 CFR 1.111(c): In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the

objections made. The applicant or patent owner must also show how the amendments avoid such references or objections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Petranek whose telephone number is 571-272-5988. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eddie P Chan/
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